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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,678	11/06/2000	Webster Hughes	4530-1	8283

7590 11/16/2004  
Webster Hughes  
4807 Pellyn Farm Ct  
Charlotte, NC 28226

EXAMINER

PATEL, JAGDISH

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/706,678

Applicant(s)

HUGHES, WEBSTER

Examiner

JAGDISH PATEL

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) 1-17, 26, 27, 28 and 34-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-25, and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Invention II containing claims 18-24, 30-33 and species of claims 25 and 29 is acknowledged. According claims 18-25, and 29-33 have been examined and claims 1-17, 26-28 and 34-45 (non elected groups and species) have been withdrawn from consideration. It is noted the non-elected species may be re-joined if independent claim 18 after amendment becomes allowable. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18-25, and 29-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 18 (and dependent claims) are indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention due to following reasons:

As per the preamble, Claim 18 is a method for facilitating execution of a transaction in a computerized system. The transaction, which is facilitated, by the claimed method, is based upon an order communicated by a first ordering party.

However, the body of the claim, which recites limitations of the claimed method, does not refer to the first party in any process step. The claim instead is directed to identifying a chain of parties between pluralities of parties who communicate orders relating to the transaction. Therefore, there is inconsistency in what is stated as an objective of the invention in the preamble and the actual process steps carried by the claimed method.

Additionally, the identifying step refers to limitation "the first and second ordering parties" which lack proper antecedent basis in the claim. The "allowing" step recites "a plurality of parties" and "a plurality of other parties", however, the first and second ordering parties are not recited.

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Limitation "identifying a chain of parties" lack sufficient antecedent basis. The claim fails to provide support for limitation "identifying a chain of parties" between the first and second ordering parties who have communicated orders relating to the orders. In order to resolve this deficiency a process step wherein a chain of parties communicates the orders (which orders are related to the orders being communicated between the first and second ordering parties) must be included prior to the identifying step.

The deficiencies as discussed in the foregoing paragraphs also apply to all dependent claims.

Claims 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP Section 2172.01. The omitted steps are:

A step reciting the first ordering party communicating an order and a step reciting the second ordering party communicating an order to the computerized system.

Claim 20 recites the limitation "matched orders communicated by the parties in the chain". There is insufficient antecedent basis for this limitation in the claim. Note that parent claims 18 and/or 19 do not recite a process step which generate "matched orders" to facilitate step recited in claim 20.

The deficiencies of claim 19 as discussed in the foregoing paragraphs also apply to all dependent claims.

Claims 19 -21 recite the limitations "the first ordering party" and/or "the second ordering party". There is

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insufficient antecedent basis for these limitations in the claim.

This deficiency is also present in claim 24.

Claim 21 and 22: the phrase "to select whether the order is live, executable order or a subject order" is indefinite because it not clear what this limitation means and how it relates to it's dependent claim 22 because the later does not require execution of the step recited in claim 21.

Claim 23 recites limitation "live orders communicated by the parties in the chain " . There is insufficient antecedent basis for these limitations in the claim because there is no process step recite communication of live orders by the parties in the chain.

### **Conclusion**

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1038. The fax number for Formal or Official

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faxes to Technology Center 3600 is (703) 305-7687. **Draft faxes may be submitted directly to the examiner at (703) 746-5563.**

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113 or 308-1114. Address for hand delivery is 2451 Crystal Drive, Crystal Park 5, 7<sup>th</sup> Floor, Alexandria VA 22202.



Jagdish N. Patel

(Primary Examiner, AU 3624)

4/25/04